

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL)
OF GREATER ST. LOUIS AND)
VICINITY, et al.,)
Plaintiffs,)
vs.) No. 4:07-CV-1175 (CEJ)
ROBERT COUCH, an individual,)
d/b/a ROBERT COUCH)
CONSTRUCTION,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs' motion to compel defendant to appear for a post-judgment deposition pursuant to Fed. R. Civ. P. 69(a). Defendant has not responded to the motion and his time for doing so has expired.

A consent judgment was entered in favor of plaintiffs on September 17, 2008, in the amount of \$20,000.00. Defendant subsequently defaulted on the consent judgment payment plan, causing the entire amount to become due. In an attempt to collect the judgment, plaintiffs sent notice of a post-judgment deposition to defendant, requesting that defendant appear and produce documents on May 20, 2009. Defendant did not respond to the notice and did not appear at the designated time. Plaintiffs request that the Court compel him to appear and to produce the requested documents on August 10, 2009.

"The law allows judgment creditors to conduct full post-judgment discovery to aid in executing judgment." Credit Lyonnais, S.A. v. SGC Intern., Inc., 160 F.3d 428, 430 (8th Cir. 1998). Indeed, "[t]he right to conduct discovery applies both before and after judgment." Id. Of course, even after judgment the Court still retains the discretion to limit the scope of such discovery. See Id.

The Court finds that plaintiffs are entitled to take a post-judgment deposition of defendant. Further, the Court finds that the requested discovery, including the documents to be produced, are relevant to the collection of plaintiffs' judgment.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion to compel [#27] is granted.

IT IS FURTHER ORDERED that defendant Robert Couch shall appear for and submit to a post-judgment deposition on **Monday, August 10, 2009**, beginning at 10:00 a.m. in the law offices of Hammond and Shinners, P.C., 7730 Carondelet Ave., Suite 200, St. Louis Missouri 63105.

IT IS FURTHER ORDERED that defendant shall, at the time he appears for the above deposition, produce to plaintiffs all of the documents requested in the "Notice of Rule 69 Deposition" previously received by defendant.

IT IS FURTHER ORDERED that the Clerk of Court shall mail a copy of this order to the following address:

Robert Couch
Robert Couch Construction
1289 Kessel Road
Ava, IL 62907

Failure to comply with this order may result in the imposition of sanctions, as authorized by Fed. R. Civ. P. 37, and may be deemed a contempt of court.



CAROL E. JACKSON
UNITED STATES DISTRICT COURT

Dated this 16th day of July, 2009.